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09/626,063	07/26/2000	Louri Brylov	10001122.1	8584

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EXAMINER

PARK, CHAN S

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/626,063		BRYLOV, LOURI	
	Examiner		Art Unit	
	CHAN S. PARK		2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/23/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-59, 62, 64, 65, 68 and 70-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-59, 62, 64, 65, 68 and 70-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 6/23/05, and has been entered and made of record. Currently, **claims 49-59, 62, 64, 65, 68 and 70-82** are pending.

Response to Arguments

2. Applicant's arguments with respect to **claims 49-59, 62, 64, 65, 68 and 70-82** have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 49 is objected to because of the following informalities:
Line 6, "a destination" should be -- said destination --;
Line 7, "a network" should be -- said network --; and
Line 8, "an image" should be -- said image --.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 72 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 72 recites the limitation "a scanner" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is uncertain whether "a scanner" is referring to said standalone scanner or another scanner in the network.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49-58, 62, 64, 65, 68 and 70-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shih U.S. Patent No. 6,504,626 in view of Machida U.S. Patent No. 6,642,943.

5. With respect to claim 49, Shih teaches a method of transferring an image to a destination, the method comprising:

accessing, by a standalone scanner, at least one network device over a network (col. 3, lines 10-26);

displaying inputted instruction messages regarding the destination on a display panel of the standalone scanner (col. 3, lines 5-7);

obtaining the destination based on the inputted instruction in said display panel, wherein said destination is connected to said standalone scanner using the network (col. 3, lines 33-46);

performing scanning on said standalone scanner to produce said image; and

transferring said image to said destination (col. 3, lines 7-9).

Shih, however, does not teach explicitly the method of displaying destination options based on accessing the at least one network device.

Machida, the same field of endeavor of transferring the scanned images over network and displaying the instruction messages regarding the destination, teaches the method of transferring an image to a destination, the method comprising:

accessing at least on network device over a network (figs. 5 & 11);

displaying destination options based on accessing the at least one network device using icons(figs. 5 & 11);

obtaining the destination based on selection of the destination options, wherein said destination is connected to a standalone scanner using said network (col. 10, lines 46-51);

performing scanning on said standalone scanner to produce said image (col. 10, lines 46-51); and

transferring said image to said destination (col. 10, lines 46-51).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the method of displaying destination options in the display panel of the standalone scanner of Shih.

The suggestion/motivation for doing so would have been to provide the user with the available destination options using a more user-friendly display setting for the data communication at the site of the standalone scanner.

Therefore, it would have been obvious to combine Shih with Machida to obtain the invention as specified in claim 49.

6. With respect to claim 50, Machida teaches the method wherein said user interface comprises a browser (figs. 5 & 11).

7. With respect to claim 51, Machida teaches the method wherein said obtaining said destination comprises detecting a drag and drop operation wherein a first icon is dragged to a location indicator and dropped on said location indicator (col. 10, lines 46-51).

8. With respect to claim 52, Machida teaches the method wherein said first icon comprises a scanner icon (col. 10, lines 46-51 & fig. 5).

9. With respect to claim 53, Shih teaches the method further comprising automatically converting said image to a different document format before storing said image (col. 3, lines 10-14 & 37-40).

10. With respect to claim 54, Shih discloses an apparatus for controlling an image scanning process in a standalone scanner, comprising:

at least one computer readable medium (col. 4, line 5); and

computer readable program code stored on said at least one computer readable medium, said computer readable program code being executable on said standalone scanner to:

recognize a destination selected by a user using a user interface of the standalone scanner (col. 3, lines 33-46); and

in response to the selection,
causing said standalone scanner to perform a scan to produce at least one image; and
transferring said at least one image from said standalone scanner to said destination location (col. 3, lines 7-9).

Shih, however, does not explicitly disclose that said program code executes said standalone scanner to query at least one network device over a network for folders and display icons representing the folders in a user interface of the standalone scanner for the destination selection.

Machida, the same field of endeavor of transferring the scanned images over network and displaying the instruction messages regarding the destination, teaches the method of transferring an image to a destination, the method comprising:

accessing at least on network device over a network for folders (figs. 5 & 11);
displaying icons representing the folders in a user interface of the standalone scanner (figs. 5 & 11);
obtaining the destination based on selection of the destination icon, wherein icon of said standalone scanner being dragged and dropped upon said destination icon (col. 10, lines 46-51);
performing scanning on said standalone scanner to produce said image (col. 10, lines 46-51); and
transferring said image to said destination (col. 10, lines 46-51).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the method of displaying destination options in the display panel of the standalone scanner of Shih.

The suggestion/motivation for doing so would have been to provide the user with the available destination options using a more user-friendly display setting for the data communication at the site of the standalone scanner.

Therefore, it would have been obvious to combine Shih with Machida to obtain the invention as specified in claim 54.

11. With respect to claim 55, Machida discloses the apparatus, wherein said computer readable program code is executed without further user intervention after said first displayed element is dragged to and dropped upon said selected icon (col. 10, lines 46-51).

12. With respect to claim 56, Machida discloses the apparatus, wherein said first displayed element comprises a scanner icon (col. 10, lines 46-51 & fig. 5).

13. With respect to claim 57, Machida discloses the apparatus, wherein said user interface comprises a browser (figs. 5 & 11).

14. With respect to claim 58, Shih discloses the apparatus, said computer readable program code further executable to convert said at least one image to a different document format before said transferring (col. 3, lines 10-14 & 37-40).

15. With respect to claim 62, arguments analogous to those presented for claims 49 and 54, are applicable.

Art Unit: 2622

16. With respect to claim 64, Shih discloses the standalone scanner, wherein the network is the Internet (col. 3, lines 10-26).

17. With respect to claim 65, Shih discloses the standalone scanner, wherein the scanner is directly connected to a local server via a communication link for sending the image to the local server and then the selected one destination location (col. 3, lines 10-26). It is inherent/obvious to one of ordinary skill in the art that the email transmission requires an internet server. Also read col. 4, lines 26-50 of Machida.

18. With respect to claim 68, Shih discloses the standalone scanner, further comprising a network card to establish communication to the network device on the network (col. 3, line 29).

19. With respect to claim 70, Machida discloses a scanner further comprising an automatic document feeder (col. 28, lines 10-13). It would have been obvious to use an ADF of Machida in the standalone scanner of Shih. The suggestion/motivation for doing so would have been to eliminate the step of directly placing the document on the platen glass of the scanner for the scanning.

20. With respect to claim 71, Machida discloses an apparatus for displaying a list of available servers as icons, the user interface to enable selection of one of the servers as the network devices (figs. 5 & 11).

21. With respect to claim 72, the combination of Shih and Machida teaches the method of claim 49, wherein accessing the at least one network device by the standalone scanner comprises accessing the at least one network device by a scanner that operates independently of a computer (col. 3, lines 10-26 & fig. 3 of Shih).

Art Unit: 2622

22. With respect to claim 73, the combination of Shih and Machida teaches the method of claim 49, wherein displaying the destination options comprises displaying icons representing folders on the at least one network device, and wherein obtaining the destination based on selection in the user interface comprises selecting one of the folders based on a drag-and-drop operation that selects the one of the folders (col. 10, lines 46-51 of Machida).

23. With respect to claim 74, the combination of Shih and Machida teaches the method of claim 73, wherein selecting one of the folders based on the drag-and-drop operation comprises selecting one of the folders based on drag and dropping a first icon to an icon representing the one of the folders, the first icon representing one of an automatic document feeder and a document (col. 10, lines 46-51 & col. 28, lines 10-13 & fig. 11 of Machida).

24. With respect to claim 75, the combination of Shih and Machida teaches the method of claim 49, wherein the accessing, displaying, and transferring is performed by a browser (fig. 33).

25. With respect to claim 76, the combination of Shih and Machida teaches the method of claim 49, further comprising:

displaying a list of servers in the user interface; and

receiving selection of one of the servers,

wherein accessing the at least one network device comprises querying the selected one of the servers (figs. 9 & 11 of Machida).

Art Unit: 2622

26. With respect to claim 77, the combination of Shih and Machida discloses the apparatus of claim 54, wherein the standalone scanner comprises a scanner that operates independently of a computer (fig. 3 of Shih).

27. With respect to claim 78, the combination of Shih and Machida discloses the apparatus of claim 54, wherein the computer readable program code is executed to:

present available servers in the user interface of the standalone scanner (fig. 9 of Machida); and

receive selection of one of the servers as the network device (col. 3, lines 33-46).

28. With respect to claim 79, the combination of Shih and Machida discloses the apparatus of claim 54, wherein the computer readable program code comprises a web browser, the web browser executable to perform the querying and displaying (figs. 5 & 11 of Machida).

29. With respect to claim 80, the combination of Shih and Machida discloses the standalone scanner of claim 62, wherein the destination locations comprise folders, and selection of the one of the destination locations comprises selection of one of the folders (col. 10, lines 46-51 & figs. 5 & 11 of Machida).

30. With respect to claim 81, arguments analogous to those presented for claims 49 and 54, are applicable.

31. With respect to claim 82, arguments analogous to those presented for claim 74, are applicable.

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shih and Machida as applied to claim 54 above, and further in view of Lamming et al. U.S. Patent No. 5,862,321 (hereinafter Lamming).

32. With respect to claim 34, the combination discloses the apparatus of claim 54, but it does not disclose expressly that the connection is an FTP connection.

Lamming, the same field of endeavor of scanned image transfer, teaches a network connection using an FTP connection (col. 5, lines 12-16).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the FTP connection of Lamming into the drag-and-drop system of combination.

The suggestion/motivation for doing so would have been to transfer the scanned image or documents on the Internet.

Therefore, it would have been obvious to combine three references to obtain the invention as specified in claim 59.

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2622

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp
November 28, 2005

Chan S. Park
Examiner
Art Unit 2622


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